

## **REMARKS IN RESPONSE TO THE OFFICE ACTION**

### ***GENERAL REMARKS***

Claims 1, 3-4, 7-18, 20-21, 24-35, 37-38, and 41-52 are pending. Claims 2, 5-6, 19, 22-23, 36, and 39-40 have been cancelled.

### ***ALLOWABLE SUBJECT MATTER***

Claims 1, 3, 4, 7-18, 20, 21, and 24-34 are allowed.

### ***CLAIM REJECTIONS - 35 USC § 101***

Claims 35, 37-38, and 41-52 stand rejected under 35 USC 101 as being directed to non-statutory subject matter for being directed to a "carrier medium," which includes non-statutory signals.

In response, Applicant has amended the claims so that they are directed to "a program storage medium readable by a programmable device and storing program instructions thereon." This amendment is supported by the originally filed disclosure, which discloses storage media or memory media such as magnetic or optical media, e.g., disks or CD-ROMs. Because the program storage medium is embodied in a tangible article that stores program instructions and is readable by a programmable device, these claims 35, 37-38, and 41-52 are directed to statutory subject matter. Accordingly, Applicant requests allowance of these claims in the next paper from the Office.

### ***CONCLUSION***

The undersigned representative authorizes the Commissioner to charge any fees that may be required, or credit any overpayment, to Deposit Account No. 501922, referencing 149-0031US.

To facilitate the resolution of any issues or questions presented by this paper, Applicants respectfully request that the Examiner directly contact the undersigned by phone to further the discussion, reconsideration, and allowance of the claims.

Respectfully submitted,

**/Sean McDermott/**

Sean McDermott

Reg. No. 49,000

***Submitted Electronically Via EFS Web***

**Wong, Cabello, Lutsch, Rutherford & Brucculeri, L.L.P.**

Customer No. 29855

20333 SH 249, Suite 600

Houston, Texas 77070

Voice: 832-446-2400